

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION**

**Master File No. 12-md-02311
Honorable Marianne O. Battani**

In Re: WIRE HARNESS CASES

**THIS RELATES TO:
ALL DIRECT PURCHASER CASES**

**2:12-cv-00101-MOB-MKM
2:14-cv-13773-MOB-MKM**

**SETTLEMENT CLASS COUNSEL’S REPORT ON DISSEMINATION
OF NOTICE OF PROPOSED SETTLEMENTS WITH CHIYODA, FUJIKURA, LEONI,
SUMITOMO, AND YAZAKI DEFENDANTS AND CLASS MEMBERS’ RESPONSE**

Settlement Class Counsel submit the following report concerning the dissemination of notice pursuant to this Court's Order dated May 5, 2017 (2:12-cv-00101, Doc. No. 474) (the “Notice Order”), and Settlement Class members’ response to the notice program. As described more fully below, notice was mailed to 7,472 potential Settlement Class members and published in accordance with the Notice Order. No objections were filed to any aspects of the proposed settlements, including the proposed plan for distribution of settlement funds, Settlement Class Counsel’s request for an award of attorneys' fees and litigation costs and expenses, Settlement Class Counsel’s request to use a portion of the settlement funds to pay for litigation expenses, or the request for incentive awards to the Settlement Class Representatives (collectively, the “Related Matters”). Eleven requests for exclusion from one or more of the settlements were submitted.

As a result of these opt-out requests, the Yazaki settlement amount was reduced to \$57,110,240.20 and the Fujikura settlement amount was reduced to \$9,405,000. Combining these

amounts with the proceeds of the Chiyoda, LEONI, and Sumitomo settlements, none of which are subject to reduction or rescission due to opt-outs, results in total settlement proceeds of \$94,086,240.10 attributable to these 5 proposed settlements. When combined with the previously approved Lear, G.S. Electech, and Tokai Rika settlements, the total amount of settlements achieved by Direct Purchaser Plaintiffs in the *Wire Harness Litigation* to date is \$102,736,240.10.

Settlement Class Counsel respectfully submit that the absence of objections and the small number of opt-outs militate strongly in favor of approval of the proposed settlements and the Related Matters.

I. DISSEMINATION OF NOTICE TO THE CLASSES

Pursuant to the Court's Notice Order, on May 19, 2017, Epiq Class Action & Claims Solutions ("Epiq"), the Notice and Claims Administrator retained by Direct Purchaser Plaintiffs, mailed 7,472 copies of the Notice of Proposed Settlements of Direct Purchaser Class Action with Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Defendants and Hearing on Settlement Approval and Related Matters, and Claim Form (the "Notice") to potential Settlement Class members by first class mail, postage prepaid. Declaration of Nicole Hamann, Managing Director of Epiq, Exhibit 1 at ¶ 6. Epiq also re-mailed returned notices for which updated addresses were obtained. *Id.* at ¶ 7. In addition, a copy of the Notice was (and remains) posted online at www.autopartsantitrustlitigation.com, a website dedicated to this litigation. *Id.* at ¶ 9.

Also in accordance with the Notice Order, the Summary Notice of Proposed Settlements of Direct Purchaser Class Action with Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Defendants and Hearing on Settlement Approval and Related Matters was published in *Automotive News* on May 29, 2017, and in the national edition of *The Wall Street Journal*, on May 30, 2017. *Id.* at ¶ 8.

Notice to the Direct Purchaser Settlement Class under Fed. R. Civ. P. 23 has, therefore, been provided as ordered by the Court.

II. ABSENCE OF OBJECTIONS TO THE PROPOSED SETTLEMENTS AND FEE AND EXPENSE REQUESTS

The Notice advised that any objection to the proposed settlements or to the Related Matters had to be filed with the Clerk by July 7, 2017, with copies mailed to Settlement Class Counsel and to counsel for the Settling Defendants.

No objections to either the proposed settlements or to the Related Matters were filed with the Court or sent to Settlement Class Counsel or counsel for the Settling Defendants, as of the date of the filing of this Report.

III. REQUESTS FOR EXCLUSION

The Notice further advised that requests for exclusion from any of the Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Settlement Classes had to be sent to Settlement Class Counsel and to the Settling Defendants' counsel, postmarked no later than July 7, 2017. Eleven requests for exclusion from one or more of the proposed settlements were timely submitted.¹

Settlement Class Counsel respectfully submit that, for the reasons set forth in the Brief in Support of Direct Purchaser Plaintiffs' Motion for Final Approval of Proposed Settlements with Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Defendants and Proposed Plan for Distribution of Settlement Funds (the "Motion for Final Approval"), each of the Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki settlements, which collectively provide for settlement payments totaling

¹ The specific entities that requested exclusion are set forth in Exhibit 2 and the Settlement Classes from which they opted out are reflected in Exhibit 3.

\$94,086,240.10 together with substantial cooperation by the Settling Defendants, are fair, reasonable and adequate under the relevant criteria, and warrant final approval.

IV. THE REACTION OF MEMBERS OF THE SETTLEMENT CLASSES SUPPORTS APPROVAL OF THE SETTLEMENTS AND LITIGATION EXPENSE REQUEST

The reaction of the class has been recognized repeatedly by courts within this Circuit and elsewhere as a factor in evaluating the fairness, reasonableness, and adequacy of a proposed settlement. *See, e.g., Sheick v. Auto. Component Carrier LLC*, No. 2:09–cv–14429, 2010 WL 4136958, at *22 (E.D. Mich. Oct. 18, 2010) (“scarcity of objections – relative to the number of class members overall – indicates broad support for the settlement among Class Members.”); *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508, 527 (E.D. Mich. 2003) (“That the overwhelming majority of class members have elected to remain in the Settlement Class, without objection, constitutes the ‘reaction of the class,’ as a whole, and demonstrates that the Settlement is ‘fair, reasonable, and adequate.’”); *In re Delphi Corp. Sec., Deriv. & “ERISA” Litig.*, 248 F.R.D. 483, 499 (E.D. Mich. 2008) (small number of opt-outs or objections is indicative of the adequacy of the settlement). Individual notice of the proposed settlement was mailed to 7,472 potential Settlement Class members identified by Defendants, published in *Automotive News* and in *The Wall Street Journal*, and posted on-line. The absence of objections combined with relatively few opt-outs militates strongly in favor of approval of the proposed settlements and the litigation expense request.

V. CONCLUSION

Based upon the foregoing, and for the reasons set forth in Direct Purchaser Plaintiffs’ Motion for Final Approval and the Direct Purchaser Plaintiffs’ Motion for an Award of Attorney’s Fees, Litigation Costs and Expenses, and Incentive Awards to Class Representatives, and the briefs in

support thereof, it is respectfully requested that the Court grant final approval of: (1) the proposed Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki settlements, (2) the proposed plan for distribution of settlement funds, (3) Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses, (4) Settlement Class Counsel's request to use a portion of the settlement funds to pay for litigation expenses; and (5) the request for incentive awards to the Class Representatives.

DATED: July 28, 2017

Respectfully submitted,

/s/ David H. Fink

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2017, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

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